



## **MEMORANDUM**

**TO:** Veronica Catoe, Chief Executive Officer  
Michael Hardy, General Counsel & Director of Government Affairs

**FROM:** Jennifer J. Green, CAE, DPL, President  
Melanie S. Bostick, DPL, Vice President  
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**DATE:** March 19, 2020

**RE:** Liberty Partners of Tallahassee – 2020 Legislative Session Summary

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Each annual legislative session is defined by significant events that set the overall tone and priorities for the Florida Legislature. While the last two sessions were hyper-focused on an appropriate legislative response to the school shooting at Marjory Stoneman Douglas High School in Parkland and the devastation of Hurricane Michael to the Panhandle, the 2020 session proceeded without prominent theme until the very last week of the scheduled 60-day annual session when the threat of the COVID-19 or coronavirus began to paralyze the nation and impact Florida's economy.

During one of the final floor sessions, the House chose to temporarily interrupt their proceedings to announce that several Representatives may have been recently exposed to the virus while attending a conference. The remainder of the session was focused on measures that would help the state prepare for the spread of the virus and the subsequent impact on the state. In fact, the Legislature decided to extend the regular session from March 13, 2020 to March 20, 2020 to finalize the FY 2020-2021 state budget. All regular bills died after midnight on March 13 and members were directed to head home to their districts until a final vote on the budget scheduled for Thursday, March 19, 2020. Given the daily developments on COVID-19 and the certain impact on Florida's economy, the Legislature has signaled they will likely return to Tallahassee this summer to adjust both the FY 2019-2020 and FY 2020-2021 budgets.

Although most of the 3,578 bills filed this year died, of the 207 bills that did pass both chambers, there were several victories for the House Speaker, Senate President and Governor. House Speaker Jose Oliva was able to pass meaningful health care reforms including a bill to allow nurse practitioners to independently operate primary care practices, including family medicine, general pediatrics and general internal medicine without an attending doctor's supervision. Senate President Bill Galvano quietly oversaw the Florida Senate achieve another productive session but without his longtime efforts on reaching a renewal of the Seminole Tribe of Florida's Compact with the state and the \$350 million in annual payments that come with it. Meanwhile, Governor Ron DeSantis was successful in pushing for a bill requiring employers to check the immigration status of new hires as well as a major teacher pay raise.

Legislators were able to agree on a state spending plan two days after the scheduled March 13 adjournment. The General Appropriations Act (GAA), HB 5001 was placed on legislators' desks on Sunday, March 15 at 7:07 pm which began the Constitutionally required 72-hour "cooling off" period before the budget could be voted on. After 66 days in the Capitol, legislators passed a \$93.2 billion budget for FY 2020-2021 on Thursday, March 19, 2020 (*House vote 104-0, Senate vote 32-0*). The GAA now heads to the Governor's desk for final action, as he possesses line-item veto authority. It is anticipated that the Governor will have a heavy veto pen in the wake of the economic downturn on the country's horizon.

### **KEY ISSUES THAT PASSED**

The Legislature succeeded in passing several bold and meaningful legislation this session that included some of the issues below:

**Tax Package, Back to School Tax Holiday** - The Legislature passed a tax package that includes several revisions including another back to school tax holiday and hurricane supplies tax holiday.

**Scope of Practice Expansion** - The bill allows for qualified nurse practitioners to provide primary care without physician supervision. Pharmacists will be able to help patients manage their chronic conditions in collaboration with a physician and may test and treat the flu.

**Extension of Visit Florida Sunset** – Legislation was passed this year to extend the upcoming sunset for the tourism marketing agency to 2023. Additionally, the Florida Legislature agreed to maintain funding for the agency at \$50 million. The future of Visit Florida will be critical in the face of the economic downturn anticipated ahead.

**School Panic Alarms** - The bill would require public and charter schools in the state to implement a mobile panic alarm system that would connect emergency officials with first-responders in the event of a school emergency. The Florida Legislature agreed to \$8 million in funding through the Florida Department of Education.

**Child Welfare Reform** – One of the priorities of First Lady Casey DeSantis was to bring accountability to the Department of Children and Families (DCF) by moving toward a "prevention" model and bringing some of the services back to the department that have been outsourced. Legislation passed to move toward statewide standards for both DCF and outsourced programs to Sheriffs and other entities.

**Affordable Housing** – For the first time since 2007, the Florida House and Senate have agreed to fully fund the state's affordable housing trust fund, known as the Sadowski fund. Both chambers agreed to dedicate the full \$370 million to the fund.

**Water Quality** – The comprehensive legislation is designed to improve water data collection and make investments into inspecting septic systems and replacing them with sewer infrastructure.

**Electric Vehicle (EV) Charging Stations** – The legislation would make several enhancements to the state’s infrastructure system, including a framework for increasing the amount of EV charging stations on Florida’s roadways and includes a cooperative report from the Florida Department of Transportation – in consultation with the Florida Public Service Commission, Florida Office of Energy and appropriate public or private entities – to have a report to the Legislature and Governor by July 1, 2021.

**Private School Voucher Expansion** – The bill makes several revisions and expansions to the Florida Tax Credit Scholarship and Family Empowerment Scholarship. Under both programs, scholarship eligibility would be expanded, allowing more students to attend schools that meet their individual educational needs.

**Teacher Salary Increase** – The bill requires local school districts to use money set aside by the Legislature to raise minimum teacher salaries to \$47,500 and provide raises for teachers who are already above that minimum. The increase would place Florida behind only New Jersey among state base salaries.

**Employment Verification** – The bill would require public employers, contractors and subcontractors to use the E-Verify employment verification system by January 1, 2021 to ensure that all employees are legal citizens. Private employers would also be required to use E-Verify or information documented in an employee’s I-9 form to determine the legal status of its employees.

**College Athletes** – The bill would allow student-athletes to earn outside compensation for their likeness, image or persona and to get professional representation through athletic agents.

**State Employee Pay Raises** – The House and Senate agreed to a 3-percent across-the-board pay raise for all state employees.

**Parental Consent for Abortion** – The bill would require pregnant minors and physicians to get consent from a parent or legal guardian before receiving or performing an abortion.

### **KEY ISSUES THAT FAILED**

Several other high-profile issues that did not end up passing during the 2020 Legislative Session include:

**Remote Sales Tax Collection/Wayfair** – The bill would have authorized the state to impose sales tax collection responsibilities on remote sellers lacking a physical presence in Florida and streamline administration of current sales tax laws by extending sales tax collection responsibilities to marketplace providers increasing General Revenue Fund receipts by \$479 million annually.

**Vacation Rentals** – The bill would have pre-empted to the state the authority to license and inspect short-term rentals and only allow local governments the ability to enact regulations that apply to all homes equally, whether short-term or not. Any ordinances that were passed before 2011 would not have been impacted.

**Gambling/Sports Betting** – There were discussions on the state negotiating a deal with the Seminole Tribe to restore revenue sharing through the gaming compact as well as the potential for sports betting. However, these negotiations never materialized. There was a bill introduced to create a “buyback” of facility permits but it was not heard in committee.

**Restoration of Voting Rights** – Efforts to clarify a controversial measure passed last session requiring convicted felons to pay restitution before regaining their voting rights were unsuccessful.

**Criminal Justice Reform** – There were several measures relating to criminal justice reform passed by the Senate, including mandatory-minimum criminal sentencing and gain time for inmates, however, the measures failed in the House.

**School Safety** – The House and Senate failed to agree to legislation to adopt recommendations from the Marjory Stoneman Douglas Safety Commission’s 2019 report citing failures in implementing school safety improvements.

**Office of Energy Move** – The House proposed legislation to move the Office of Energy from the Department of Agriculture and Consumer Services under Agriculture Commissioner Nikki Fried to the Department of Environmental Protection under Governor Ron DeSantis. However, the Senate did not support the measure.

**Constitutional Revision Commission Repeal** – The Commission that meets every 20 years to propose constitutional amendments, which is one of only five ways to be added to the Florida Constitution, would have been repealed by a bill that passed the House. However, the same measure never received a hearing in the Senate.

**Transportation Package** – The annual omnibus transportation package would make multiple changes including authorizing portable radar speed display units to display flashing red and blue lights under certain circumstances, staging areas along the Florida Turnpike System and require certain vessels to be removed from marinas.

## **FLORIDA ASSISTED LIVING ASSOCIATION** **LEGISLATIVE PRIORITIES**

### **Assisted Living Facilities Modernization Bill**

One of the biggest priorities for FALA this session is a bill that we worked on throughout the entire legislative process to modernize how assisted living facilities operate in Florida. HB 767 by Representative Mike Grant and SB 402 by Senator Gayle Harrell would enact regulations to protect both seniors and caregivers. FALA was successful in advocating for residents to opt-out of being orally advised of medication name and dosage during each administration. FALA was

also successful in advocating for ALF staff to have authority to change the bandages for minor cuts and abrasions. Other proposed changes would specify when an ALF changes administrators, the owner must confirm within days that the new administrator meets educational requirements. The bills would also allow facilities to submit an adverse incident preliminary report by electronic mail, instead of by facsimile or mail, if the Agency for Healthcare Administration's portal is offline.

HB 767 and SB 402 both advanced quickly through the legislative process with Liberty Partners of Tallahassee speaking in support of legislation. The bill was passed unanimously by House on March 9 and then by the Senate on March 10. The bill will now go the Governor for his final approval.

### **Independent Living Task Force:**

There was legislation again this session that would create an Independent Living Task Force. The task force is designed to develop and evaluate policy proposals that incentivize developers and contractors to create units within mixed use developments that may be used as low-cost, supportive, and affordable housing for individuals with a disability, while giving special consideration to the needs of individuals who have a developmental disability or mental illness.

Liberty Partners of Tallahassee engaged both sponsors of the bill early in the legislative process to request that FALA be added to the task force. Senator Kevin Rader filed SB 364 with FALA included in the membership. Both bills moved quickly through the legislative process receiving broad bi-partisan support. The Senate bill was passed on the Senate floor 39-0 on March 9. However, while HB 39 by Representative Mike Gottlieb passed through all of its committee of references unanimously and made it to the House calendar on second reading, it was never added to the Special Order Calendar for final consideration and therefore failed.

## **OTHER BILLS OF INTEREST**

There were more than 3,500 bills filed for the 2020 Legislative Session, however only 207 passed both chambers and will head to the Governor for final action. Attached is a list of bills that we monitored on behalf of FALA and the status of the bills.

## **LOOKING AHEAD**

*Pursuant to Article III, section 8, of the Florida Constitution, "Every bill passed by the Legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill."*

Therefore, Governor Ron DeSantis will now have 15 days to take action on the state spending plan along with more than 200 bills that will be sent his way. He also possesses line item veto authority which may be used with the General Appropriations Act (GAA). After the Governor

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has completed his line item vetoes, he will then sign the GAA into law, establishing the statewide budget for the next fiscal year beginning on July 1. A two-thirds majority vote of both the Senate and House is required to overturn any of the Governor's line item vetoes.

Following the recent cancelation of several major events and a surge of Floridians testing positive for COVID-19, the Legislature ensured the FY 2020-2021 GAA contained a \$300 million contingency plan to address the economic impact the crisis will have on the state budget. However, while state policymakers are unable to accurately forecast the ultimate economic impact the virus will have before the budget has to be in place on June 30, it is anticipated that a special session may become necessary when new revenue outlook numbers by the Office of Economic & Demographic Research (EDR) become available in the coming weeks.

Since the Presidential Preference Primary Election was held on Tuesday, March 17, the state will now begin getting ready for the Primary Election on Tuesday, August 18 and the General Election scheduled for Tuesday, November 3. We will be watching to see what the impact of this year's elections will have on the makeup of the Florida Legislature. Currently, the Florida Senate is split 23-17 between Republicans and Democrats while the Florida House is split 73-47.

Once again, Liberty Partners considers it a great privilege to serve as your advocates in Tallahassee. Please do not hesitate to reach out to any member of our team for additional information.

JJG/MSB/TLP/EM/GS